

PATENT

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6-9-03
O'Donnell

Attorney Docket No.: 99.25US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Cioca, et al.

Serial No.: 09/838,649

Group Art Unit: 1617

Filed: April 19, 2001

Examiner: Wells, Lauren Q.

For: Stable Antimicrobials in Structured Water

RESPONSE PURSUANT TO 37 CFR 1.111 - Introductory Comments

The Assistant Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

In the Examiner's Office Action, of March 4, 2003, the restriction requirement is made final, and pending claims, Claims 1 to 5, 9 to 12, 19, 20 and 22, are rejected. Claim 13 is correctly made part of the group of claims withdrawn from consideration, namely, Claims 6 to 8, 13 to 18, and 21 as it depends from Claim 6. Applicants maintain that the restriction requirement was improper, although the requirement has been made final, because the basis for the decision by the Examiner to make the restriction requirement final is inaccurate. The product of the present invention is not, as asserted by the Examiner, made by simply adding silver to structured water; and further, as the electrostatic charges of the silver ion and any type of water may result in interactions between the two, these interactive forces do not necessarily render a cluster comprising silver ions within it when the water is a structured water. These points as they relate to the rejection of the pending claims are discussed further below in the Remarks section.